

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN HAGAN,

Plaintiff,

v.

RAUL RECAREY, *et al.*,

Defendants.

Case No. 1:22-cv-00562-JLT-EPG (PC)

ORDER OPENING LIMITED DISCOVERY
AND SETTING DATES

On October 5, 2023, the Court held a scheduling conference in this case. (ECF No. 45).

As discussed at the conference, IT IS HEREBY ORDERED as follows:

1. The Court finds decision on Defendants' motion to dismiss (ECF No. 43) suitable for decision without oral argument, subject to be reset by the Court if necessary. L.R. 230(g). Accordingly, the hearing on the motion currently noticed for November 10, 2023, is VACATED;
2. Defendants' motion to dismiss (ECF No. 43) shall serve as Defendants' response to Plaintiff's motion for a temporary restraining order (ECF No. 29-2);
3. Plaintiff's opposition to Defendant's motion to dismiss and reply in support of Plaintiff's motion for a temporary restraining order shall be filed by no later than October 26, 2023. Defendants' reply in support of their motion to dismiss shall be filed by no later than November 7, 2023;

- 1 4. Discovery is now open as to all claims and all Defendants, except that no depositions
2 shall take place until further order by the Court;
- 3 5. Further, if there is a dispute about the scope of discovery after the parties have met and
4 conferred and served discovery requests, then the parties shall request an informal
5 discovery dispute conference prior to filing any discovery motion. A party wishing to
6 schedule such a conference should contact chambers to receive available dates. The
7 Court will schedule the conference as soon as possible, taking into consideration the
8 urgency of the issue.
 - 9 a. Prior to the conference, the parties shall simultaneously file an Informal Discovery
10 Dispute Letter Brief, outlining their positions regarding the dispute. Such briefs
11 shall be no longer than three pages single-spaced, and may include up to five pages
12 of exhibits. The parties are also directed to email their briefs to
13 epgorders@caed.uscourts.gov. The Court will provide the date and time the Letter
14 Briefs are due at the time the conference is scheduled.
 - 15 b. The parties are advised that the Court will not issue a formal ruling at the time of
16 the conference. Nevertheless, the Court will attempt to provide guidance to the
17 parties to narrow or dispose of the dispute. If no resolution can be reached without
18 formal motion practice, the Court will authorize the filing of a formal discovery
19 motion.
- 20 6. If a motion is brought pursuant to Federal Rule of Civil Procedure 37 or 45, after
21 receiving permission from the Court, the parties must prepare and file a Joint
22 Statement re: Discovery Disagreement (“Joint Statement”) as required by Local Rule
23 251.¹ In scheduling such motions, Magistrate Judge Grosjean may grant applications
24 for an order shortening time pursuant to Local Rule 144(e). If a party does not obtain
25 an order shortening time, the notice of motion must comply with Local Rule 251.
 - 26 a. A Joint Statement, not to exceed twenty-five (25) pages, must be filed seven (7)
27 calendar days before the scheduled hearing date. Prior to the filing of the Joint

28 ¹ Certain limited exceptions from filing the required Joint Statement are outlined in Local Rule 251(e).

Statement, the parties must meet and confer as set forth in Local Rule 251(b). In addition to filing the Joint Statement electronically, a copy of the Joint Statement in Word format must be sent to Magistrate Judge Grosjean's chambers via email to epgorders@caed.uscourts.gov. Courtesy copies for any pleading in excess of twenty-five pages (25) (including exhibits) shall also be delivered to chambers via US mail, or hand delivery, at the time the Joint Statement is electronically filed. Motions may be removed from the Court's calendar if the Joint Statement is not timely filed, or if courtesy copies are not timely delivered.

7. Additionally, the Court sets a telephonic status conference to be held on February 26, 2024, at 10:00 a.m. in Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean. To participate telephonically, each party is directed to use the following dial-in number and passcode: **1-888-251-2909; passcode 1024453**. The parties shall file a joint status report one full week prior to the conference.
8. Further, no later than fourteen days following a final order on Defendants' motion to dismiss, the parties shall file a joint report proposing further scheduling in this case, to the extent any claims remain pending.
9. Failure to comply with this order shall result in the imposition of sanctions.

IT IS SO ORDERED.

Dated: **October 6, 2023**

/s/ Erica P. Grosjean
UNITED STATES MAGISTRATE JUDGE